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VIA ECF
The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

January 28, 2022

Re: Jose Cuevas, et al. V. I.C. Builders LTD et al
Index No.: 21-cv-04768 (BMC)

Dear Judge Cogan:

The undersigned represents Plaintiffs in the referenced action. Pursuant to the Court's prior directive, fact discovery was initially required to be completed by January 3, 2022. However, because defendants were not available during the holiday season, and because plaintiffs indicated a desire to amend the complaint, a request was made for an enlargement of time to complete fact discovery by January 31, 2022 which request the Court granted on December 29, 2022.

Both plaintiffs have been deposed by defense counsel and both of the individual defendants, namely Nigel McEntee and Gerard McEntee were deposed by plaintiffs' counsel on January 24, 2022 and on January 28, 2022. Pursuant to the Notice of Deposition that was served on defense counsel dated December 9, 2021, defense counsel agreed to produce for deposition an officer of the two corporate defendants who is familiar with the business of the two corporate defendants. However, Mr. Nigel McEntee did not have any knowledge about the operations of any of the companies. Further, when Mr. Gerard McEntee appeared at the deposition he had virtually no knowledge about the number of employees of the company and stated that he was not an officer of any of the companies and indicated that his wife Elaine McEntee was the president of the one of the companies. As we do not yet have any of the minutes of the depositions transcribed, the factual allegations contained herein are based on attorney's notes taken during the deposition. To be fair, defense counsel's memory may differ from the statements made herein. However, what is abundantly clear is that Mr. Gerard McEntee's every response seemed to be "I don't recall", I "don't know", or "don't remember" when he was asked particulars about the corporate defendants.

I have, this day, served by email a request for supplemental discovery on defendant regarding bids or project estimations which Mr. Gerard McEntee stated were prepared in behalf

of the corporate defendants. These documents are necessary for plaintiffs to demonstrate the number of workers and the amount of revenue which was generated by defendants during the period of employment of the two plaintiffs. I have also served upon defense counsel a Notice of Deposition for the deposition of Mr. Patel who was the “project estimator”, and for Ms. Elaine McKenna who is the president of one of the two corporate defendants.

As is indicated above, fact discovery is scheduled to close on January 31, 2022. It is respectfully requested this Court enlarge the time for plaintiffs to depose Mr. Patel and Ms. McKenna and to allow defendants to comply with the supplemental discovery demands which were served this day. Accordingly, it is requested this Court enlarge the time to complete discovery to February 28, 2022, or to some other date which may be more convenient for the Court.

Respectfully submitted,

/s/

Heriberto Cabrera